

FILED

SEP 11 2017

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

Cherron Marie:Phillips
FCI Waseca #45209-424
P.O. Box 1731
Waseca MN 56093

UNITED STATES DISTRICT COURT NORTHERN DISTRICT ILLINOIS
EASTERN DIVISION

1:17-cv-01338

Cherron Marie:Phillips
Petitioner/Complainant

Case No:1:17-cv-1169
Re: 12-cr-872-1

v.

UNITED STATES OF AMERICA
Respondent/Defendant

Motion for Evidentiary Hearing on Remaining Claims

Petitioner, Cherron Marie:Phillips, hereinafter Phillips approach this court with a duly affirmed Motion for Hearing on Remaining Claims as executed before the clerk who administer oaths for verification of all statements under penalty of perjury to move this court for hearing on the remaining claims and to state the following:

On April 12, 2017, Phillips moved this court for a Bill of Accounting for the purpose of determining the liability of Cherron Marie Phillips (Under Habeas Corpus), a flesh and blood woman wrongly held as surety and to ascertain proof of claims by the UNITED STATES OF AMERICA.

Phillips complains that this court has failed to address the fact that she is being wrongly held by the FEDERAL BUREAU OF PRISONS in order to collect a debt on obligations claimed by the UNITED STATES OF AMERICA without proof of their claims, without full informed consent and under non-disclosed terms.

That on May 31, 2017, Phillips followed up on her claim for relief with a Petition for Declaratory Judgement and Injunctive Relief where the court failed to address those facts in dispute showing where the UNITED STATES OF AMERICA failed to show conclusive evidence on its right of action, claiming duty and

obligation upon Cherron Marie:Phillips, although authority for rights cited were not authorized by law. The procedure is expressly recognized in Federal Rules Civil Proc. Rule 57, which says that the existence of another adequate remedy does not preclude a judgement for declaratory relief in cases where it is appropriate; also the court may order a speedy hearing of an action for declaratory judgement and may advance it on the calendar.

Phillips moves this court for an evidentiary hearing, where she claims actual innocence to the charge and has made a legitimate challenge to the court to prove up on its claim to imprisonment. The respondents in this case has failed to show evidence conclusive that properly address the assertions of fact as required by Fed.R. Civ Proc. 56(c).

The appropriate standard, where the facts are in dispute, the federal court in habeas corpus must hold an evidentiary hearing if the habeas applicant did not receive a full and fair evidentiary hearing in state court, either at the time of the trial or in a collateral proceeding.

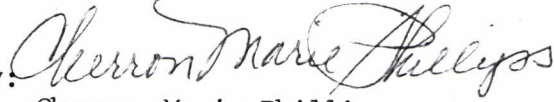
However, under Rule 56(c), the court may (1) give an opportunity to properly support or address the facts;(2) consider the fact undisputed for the purpose of the motion;(3) grant summary judgement if the motion and supporting materials including the facts considered are undisputed showing that the movant is entitled to it; or (4) issue any appropriate order.

WHEREFORE: Phillips moves this court for a speedy hearing on Petition for Declaratory and Injunctive Relief to address the assertion of facts made by Phillips or in the alternative grant summary judgement considering the facts as undisputed showing that the movant is entitled to relief denying existence of liability and suspending any remaining sentence.

Verification

I Cherron Marie:Phillips declare under penalty of perjury under the laws of the United States of America that I have first hand knowledge hereto and to the best of my knowledge and belief all matters are true and correct.


Executed this September 1, 2017

By: 
Cherron Marie:Phillips
All Rights Reserved

Acknowledgement

On this date in Waseca Minnesota, Cherron Marie:Phillips who is known and identified to me, appeared and executed the foregoing of her own free will duly affirmed under penalty of perjury. Done this September 1, 2017




FCI WASECA STAFF
9-01-2017

Certificate of Service

This is to certify that I have served a true and correct copy of the foregoing Motion for Evidentiary Hearing on Remaining Claims pursuant to the Federal Rules of Civil Procedure to the following addresses by placing the same in a sealed envelope bearing sufficient postage for delivery via the United States Postal Service by legal mail provided at FCI Waseca on September 1, 2017.

By: 
Cherron Marie Phillips
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UNITED STATES DISTRICT COURT NDIL
Attn: Clerk of the Court
219 South Dearborn
Chicago Illinois 60604

Joel R. Levin Acting United States Atty
219 South Dearborn
Chicago Illinois 60604

Cherron Marie Phillips 45209 424

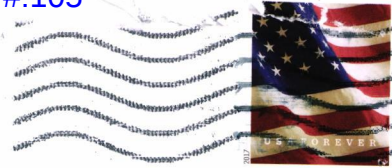
NAME
FEDERAL CORRECTIONAL INSTITUTION UNIT
P.O. BOX 1731
WASECA, MN 56093

Federal Correctional Institution
P.O. Box 1731
Waseca, MN 56093-0741

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US District Court
Chicago, IL 60604
United States

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